

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7371

BILL NUMBER: HB 1278

NOTE PREPARED: Jan 5, 2009

BILL AMENDED:

SUBJECT: Water Nuisances.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a person who unreasonably improves the person's land and causes an increased or altered flow of diffused surface water onto the land of another person is liable for the damages caused by the unreasonable increased flow of water. The bill permits a person whose land is damaged by the altered flow of diffused surface water to bring an action to abate or enjoin the unreasonable improvement that caused the altered flow of water. It specifies that (1) this law does not limit the availability of other civil remedies for damages caused by water; and (2) to the extent that this law conflicts with the common enemy doctrine, the common enemy doctrine is abrogated.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The proposal could result in an increase in legal action and court activity at the local level which could increase local expenditures. The impact is indeterminable.

Explanation of Local Revenues: An increase in legal action could also result in an increase in fees collected by local courts. The specific impact is indeterminable.

State Agencies Affected:

Local Agencies Affected: Local courts.

Information Sources:

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.